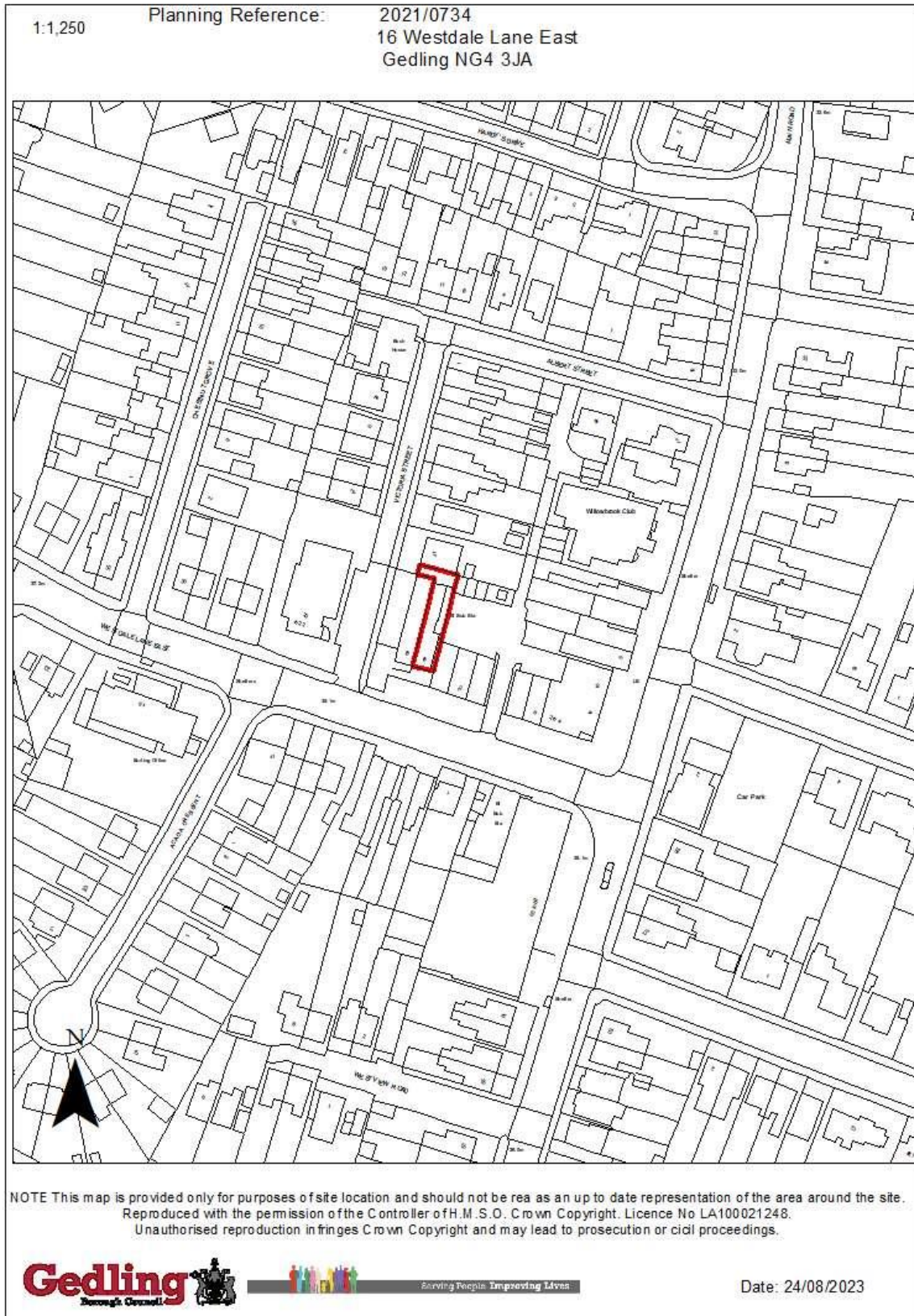




## Planning Report for 2021/0734



## Report to Planning Committee

<b>Application Number:</b>	<b>2021/0734</b>
<b>Location:</b>	<b>16 Westdale Lane East, Gedling. NG4 3JA</b>
<b>Proposal:</b>	<b>Change of use of rear ground floor store to be incorporated into the existing ground floor flat to create a two bedroom flat and first floor extension to create a one bedroom flat with external steel staircase.</b>
<b>Applicant:</b>	<b>Mrs Nasim Iqbal</b>
<b>Agent:</b>	
<b>Case Officer:</b>	<b>Alison Jackson</b>

The application has been referred to Planning Committee by the Planning Delegation Panel to allow matters in respect to parking issues to be fully reviewed.

### **1.0 Site Description**

1.1 The application site relates to 16, Westdale Lane, Gedling. The premises are currently used at ground floor as a takeaway with a ground floor flat to the rear together with a storage area. Access to the premises is gained from Westdale Lane and there is an existing rear access to the premises from the rear service yard. There is a parcel of land to the north west of the property which is accessed via Victoria Street. The premises are situated within the Gedling Village Local Centre. The site is situated between existing commercial premises with residential properties adjoining on Victoria Street.

### **2.0 Relevant Planning History**

2.1 96/0937 – planning permission was granted for the change of use of the premises to a takeaway.

### **3.0 Proposed Development**

3.1 Planning permission was initially sought for the change of use of the rear storage area serving the existing commercial use to a one bedroom flat. The existing ground floor one bedroom flat would also be retained but with internal alterations to create a storage area to serve the commercial use.

3.2 Permission is also sought for the erection of a first floor rear extension to the property together with an external staircase in order to provide a two bedroom flat at first floor level. The first floor extension would require the removal of a first floor kitchen window to the existing flat but there is another window to this room.

3.3 The plans were revised during the processing of the application following concerns raised by Officers in regard to the space standards for the proposed flats, it is now proposed that the initially proposed two ground floor flats are amalgamated to provide a one bedroom flat at ground floor and for the upper floor flat to be a one bedroom flat.

3.4 The plans were also revised to omit the proposed car parking space to the frontage of flat 1 accessed via Victoria Street, with this previously proposed parking space now being proposed to be used as a garden area to serve the proposed ground floor flat.

3.5 The materials proposed for the construction of the extensions are specified to match those of the existing building.

#### **4.0 Consultations**

4.1 NCC Highway Authority – it appears that no parking is proposed to serve the flats, could details be provided to show where any off street parking would be located.

4.2 Public Protection – No objections but the proposal should comply with the Building Regulations 2010 (the 'Building Regulations'), specifically:

The resistance to the passage of sound in buildings must comply with Approved Document E of the Building Regulations which sets out standards for the resistance to airborne sound and impact sound between and within dwellings. Approved Documents E covers:

- Separating walls, floors & associated flanking transmissions for new buildings
- Internal walls, floors & stairs for new buildings
- Dwelling houses & flats formed by a material change of use
- Rooms for residential purposes
- Common internal parts of buildings containing flats or rooms for residential purposes.

Approve Document E states that it is good practice to consider the layout of rooms in separate dwellings at the design stage to avoid placing noise sensitive rooms next to rooms in which noise is generated e.g. not situating living areas or kitchens above or next to bedrooms. This will reduce the likelihood of future complaints about impact noise.”

4.3 Local residents have been notified by letter and a site notice has been posted – I have received eleven letters of representation as a result and a petition signed by 31 neighbouring residents, the contents of the letters and petition are summarised below:

- Access would be gained to the commercial use from Victoria Street which is entirely residential.
- Loss of privacy.
- Parking issues.
- Increase in noise.
- Disturbance to neighbouring properties.
- The store room is not suitable to be converted, it is too small and cramped.
- Concerns over the capability of the sewers to cope with anymore drainage.
- Concerns over surface water drainage.
- Too close to neighbouring properties causing noise and disturbance.
- Loss of light.
- Concerns over fire safety issues.
- The external staircase would be located in an area that is used by takeaway staff and is full of rubbish and is unsuitable.
- Neighbouring properties would be more vulnerable to burglary and anti-social behaviour.
- The pavement area to the front of the premises is in a state of disrepair.
- Lack of consultation on the application.
- Concerns that the area to the front of the ground floor flat off Victoria Street will be used for parking.
- Concerns raised in regard to the use of Victoria Street which is a private road.
- Not in keeping with the area.
- Lack of maintenance at the site.
- Concerns over drug use at the site.

## **5.0 Assessment of Planning Considerations**

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that ‘if regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise’.

5.2 The most relevant national planning policy guidance in the determination of this application is contained within the National Planning Policy Framework 2021 (NPPF) and the additional guidance provided in the National Planning Practice Guidance (NPPG).

## **6.0 Development Plan Policies**

6.1 The following policies are relevant to the application:

6.2 At the national level the National Planning Policy Framework (NPPF) (2021) is relevant. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF sees good design as a key element of sustainable

development. The following sections and paragraphs are particularly pertinent.

- 5 – Delivering a sufficient supply of homes
- 7 – Ensuring the vitality of town centres
- 11 – Making effective use of land
- 12 – Achieving well-designed places

6.3 The following policies of The Adopted Core Strategy (ACS) 2014 are pertinent to the determination of the application:

- Policy 6 – Role of Town and Local Centres
- Policy 10: Design and Enhancing Local Identity

6.4 The Local Planning Authority adopted the Local Planning Document (LPD) on the 18th July 2018. Policies relevant to the determination of this application are as follows:

- LPD 32 – Amenity
- LPD 50 - Development within Town and Local Centres
- LPD 51 – Upper Floors
- LPD 57 – Parking Standards
- LPD 61 – Highway Safety

6.5 In respect to car parking, regard should be had to the Borough Council's Supplementary Planning Document Parking Provision for Residential and Non-Residential Developments 2022.

## **7.0 Planning Considerations**

### Principle of Development

7.1 The site is located within an urban area where the principle of a development of this nature is considered acceptable subject to the assessment of all material planning considerations, these are considered below. The site is also within the Gedling Shopping area but the proposed development will not adversely affect the shopping area, with the commercial use on the ground floor street frontage retained. As a result the application is deemed to comply with policies ACS6, LPD50 and LPD51.

### Impact on Neighbouring Properties

7.2 In terms of the proposed use of the premises and the potential impact on neighbouring properties I am satisfied given the nature of the works and the relationship with neighbouring properties there will be no adverse impact on neighbouring properties or the area in general.

7.3 Use of the existing storage area to the rear of the premises as residential accommodation in association with the existing flat will not result in any

greater impact onto neighbouring properties. I appreciate that the existing storage area which would be used as residential accommodation adjoins the side boundary of the neighbouring property, no. 17, Victoria Street, it is not considered that the use of this area of the building for residential accommodation will adversely affect the amenity of this immediate property or other neighbouring properties.

- 7.4 It is noted that the Council's Public Protection Officer (noise) has advised that this matter would be assessed under a Building Regulations application to ensure that there is no undue noise impact onto neighbouring properties, these regulations are set out above. I would suggest that a note is attached to any grant of planning permission drawing the applicant's attention to these regulations.
- 7.5 In regard to the proposed extension to the premises in order to provide a first floor flat, I am satisfied that this extension will result in no adverse impact onto neighbouring properties, in terms of any overbearing or overshadowing impact.
- 7.6 In regard to the use of the upper floor for residential accommodation I am satisfied that the use will not adversely affect neighbouring properties.
- 7.7 Concerns have been raised in regard to potential overlooking onto neighbouring properties from the proposed first floor windows serving the upper floor flat, having visited the site and considering their location and relationship with neighbouring properties, I am satisfied that the proposed first floor windows will not result in an undue overlooking impact onto neighbouring properties, the windows are orientated to look onto the rear service yard area to the rear of the premises.
- 7.8 Windows serving the flats will result in no undue overlooking impact onto neighbouring properties.
- 7.9 Concerns have been raised in regard to the use of the area of land to the front of the ground floor flat, this area is specified to be used as a garden area to serve the ground floor flat and I consider that this acceptable and will not result in any adverse impact onto neighbouring properties. As a result the application is deemed to comply with policy LPD32.

#### Visual appearance

- 7.10 In regard to the visual appearance of the proposed extension and proposed external alterations to the facade of the building, I am satisfied that these will be visually acceptable and will not detract from the character of the area.
- 7.11 The materials are specified to match those of the existing building which will complement the character of the area and will not look out of place. As a result the application is deemed to comply with policy ASC10.

#### Highway Safety and Parking

7.12 I note the comments of the Highway Authority in regard the fact that no off road parking is shown to be provided to serve the proposed flat. I have sought confirmation from the applicant who has confirmed that he does not intend to provide off street parking to serve the flat. Whilst the Council's SPD for 'Parking Provision for Residential and Non-Residential Developments' would require 0.8 spaces per flat, or 1 space when rounded up, the document outlines that where sites have good access to public transport and services, as the current site does, a reduced requirement could be considered acceptable. Taking this into account, it is considered that the parking provision is acceptable and complies with the aforementioned SPD and LPD57. For the avoidance of doubt, only one additional flat is proposed and the existing flat does not have access to a parking place.

7.13 Concerns raised in regard to the use of Victoria Street for access to the site has been clarified with the applicant who has confirmed that the land which was initially proposed to be used as a parking area being accessed from Victoria Street is now proposed to be used as a garden area to serve the ground floor flat.

#### Other

7.14 The concerns raised in regard to the capability of the existing drains to accommodate any more sewerage would be dealt with under the submission of a Building Regulations application and by Severn Trent Water.

7.15 Similarly, matters of fire safety would be dealt with under the submission of a Building Regulations application.

7.16 There is no reason to consider that the proposal, given the nature of the works proposed, would result in any significant surface water run off issues.

7.17 There is no evidence to suggest that the proposal would result in neighbouring properties being more vulnerable to burglary or anti-social behaviour issues, however should this be found to be the case once the property is occupied it would be a Police matter.

7.18 Similarly any concerns in regard to the use of drugs at the site would be a Police matter. Uneven payments to the front of the site is not material to the current application.

7.19 The concerns raised in regard to the maintenance of the property would be a matter for the owners of the site.

7.20 I note that concerns have been raised in regard to the lack of consultation on the application and can confirm that the consultations have been undertaken in accordance with the Town and Country Planning (Development Management Procedure) Order 2015.

## **8.0 Conclusion**

- 8.1 I am therefore satisfied that the development and use of the premises will result in no undue impact onto neighbouring properties or the area in general. The development will also result in no undue impact on highway safety and whilst no parking is provided to serve the flats, given that the site is in a sustainable location I am satisfied that off road car parking is not required in this instance. The proposal therefore accords with the NPPF 2021, policies 6 and 10 of the Aligned Core Strategy 2014 and policies LPD32, LPD50, LPD57 and LPD61 of the Local Planning Document 2018.

**Recommendation: GRANT PLANNING PERMISSION:** subject to the following conditions:

### **Conditions**

- 1 The development must be begun not later than three years beginning with the date of this permission.
- 2 The development shall be undertaken in accordance with the revised site location plan received on the 12th June 2023 and the revised elevation and floor plans received on the 10th May 2023, drawing number PO1A, B.

### **Reasons**

- 1 In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2 For the avoidance of doubt.

### **Reasons for Decision**

I am therefore satisfied that the development and use of the premises will result in no undue impact onto neighbouring properties or the area in general. The development will also result in no undue impact on highway safety and whilst no parking is provided to serve the flats, given the location of the site in a sustainable location I am satisfied that off road car parking is not required in this instance. The proposal therefore accords with the NPPF 2021, policies 6 and 10 of the Aligned Core Strategy 2014 and policies LPD32, LPD50, LPD57 and LPD61 of the Local Planning Document 2018.

### **Notes to Applicant**

Your attention is drawn to the attached comments from the Council's Public Protection Officer: The resistance to the passage of sound in buildings must comply with Approved Document E of the Building Regulations 2010 which sets out standards for the resistance to airborne sound and impact sound between and within dwellings. Approved Documents E covers: Separating walls, floors & associated flanking transmissions for new buildings Internal walls, floors & stairs for new buildings Dwelling houses & flats formed by a material change of use Rooms for residential purposes Common internal parts of buildings containing flats or rooms for residential purposes. Approved Document E states that it is good practice to consider the layout of rooms in separate dwellings at the design stage to avoid placing noise



sensitive rooms next to rooms in which noise is generated eg not situating living areas or kitchens above or next to bedrooms. This will reduce the likelihood of future complaints about impact noise."

The applicant is advised that all planning permissions granted on or after 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website at [www.gedling.gov.uk](http://www.gedling.gov.uk). The proposed development has been assessed and it is the Council's view that CIL is not payable on the development hereby approved as the gross internal area of new build is less than 100 square metres

The attached permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance you are advised to obtain permission from the owner of the land for such access before beginning your development.